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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

RODOLFO VALDIVIA,

Defendant.

CASE NO. 1:20-CR-00235-JLT-SKO

STIPULATION TO SET CHANGE OF PLEA
HEARING AND TO VACATE TRIAL; ORDER

COURT: Hon. Jennifer L. Thurston

STIPULATION

1. The government, by and through United States Attorney Phillip A. Talbert and Assistant United States Attorney Kimberly A. Sanchez, and the defendant Rudolfo Valdivia, by and through his counsel of record, Michael Aed, hereby stipulate as follows.

2. The parties have reached a plea agreement in this case.

3. The case is currently set for a jury trial on August 15, 2023.

4. The parties ask that the matter as to defendant Rodolfo Valdivia be set for a change of plea before the Honorable Jennifer L. Thurston on September 18, 2023, at 10:00 AM, and that the jury trial set for August 15, 2023 be vacated as to Mr. Valdivia.

5. The proposed change of plea date represents the earliest date that all counsel are available, taking into account counsels' schedules, defense counsels' commitments to other clients, and the court's available dates for a change of plea hearing.

1 a) Counsel for the defendant believes that failure to grant the above-requested
2 continuance would deny him the reasonable time necessary for effective preparation, taking into
3 account the exercise of due diligence, including the opportunity to meet with his client and
4 prepare for the change of plea hearing.

5 b) Based on the above-stated findings, the ends of justice served by continuing the
6 case as requested outweigh the interest of the public and the defendant in a trial within the
7 original date prescribed by the Speedy Trial Act.

8 c) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
9 et seq., within which trial must commence, the time period of August 9, 2023, to September 18,
10 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(ii) and (iv)
11 because it results from a continuance granted by the Court at defendant's request on the basis of
12 the Court's finding that the ends of justice served by taking such action outweigh the best interest
13 of the public and the defendant in a speedy trial and because the case is so unusual or so
14 complex, due to the number of defendants, the nature of the prosecution, or the existence of
15 novel questions of fact or law, that it is unreasonable to expect adequate preparation for pretrial
16 proceedings or for the trial itself within the time limits established by this section. Moreover, the
17 ends of justice served by taking such action outweigh the best interest of the public and the
18 defendant in a speedy trial. (NOTE: Time has already been excluded through the currently set
19 trial date, August 15, 2023).

20 6. Nothing in this stipulation and order shall preclude a finding that other provisions of the
21 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
22 must commence.

23 IT IS SO STIPULATED.

24 Dated: August 9, 2023

25 PHILLIP A. TALBERT
United States Attorney

26
27 /s/ Kimberly A. Sanchez
KIMBERLY A. SANCHEZ
28 Assistant United States Attorney

1 Dated: August 9, 2023

/s/Michael Aed

MICHAEL AED

Counsel for Defendant

SUSA CHA

6 **ORDER**

8 IT IS SO ORDERED.

9 Dated: August 9, 2023


UNITED STATES DISTRICT JUDGE